

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4, 7, 8 and 10-22 are pending. Claims 1, 3, 4, 7, 8, 10, 12, 13, 14, and 17 are hereby amended. Claims 5-6, 9, and 23-24 were previously canceled without prejudice and disclaimer of subject matter. Support for this amendment is provided throughout the Specification, specifically at pages 41-42.

No new matter has been introduced.

Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e) AND §103(a)

Claims 1-4, 7, 8, 12-19, and 22 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 7,072,856 to Nachom ("Nachom").

Claims 10, 11, 20, and 21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Nachom in view of U.S. Patent No. 5,721,827 to Logan et al. (hereinafter merely "Logan").

III. RESPONSE TO REJECTIONS

Independent claim 1 recites, *inter alia*:

“...superposing a first image data transmitted from a first communication terminal apparatus utilized by a first user with a second image data of one or more products to generate a third image data according to a respective one from a plurality of superposing methods that comprise replacing a prescribed area of the first image data with the second image data and blending the first image data and the second image data at a prescribed ratio; and

transmitting the third image data to said a second communication terminal apparatus utilized by a second user...” (emphasis added)

As understood by the Applicants, Nachom relates to a method and system for placing an order for an item via the Internet. A first site issues a request to a second site to provide a related item from purchase by a user. The second site provides a display component having actuation unit thereon for the user to assent to or decline the purchase of the related item. *Logan* relates to an audio program and message distribution system in which a host system organizes and transmits program segments to client subscriber locations.

First, the Office Action (see page 5 of the Final Office Action dated March 8, 2007)) relies on Figure 2 and column 5, lines 10-33 of Nachom to reject superposing a first image data transmitted from a first communication terminal apparatus utilized by a first user with a second image data of one or more products to generate a third image data according to a respective one from a plurality of superposing methods that comprise replacing a prescribed area of the first image data with the second image data and blending the first image data and the second image data at a prescribed ratio, as recited in claim 1 (emphasis added). The cited portion of Nachom discloses a popup screen displayed on top of another webpage (see Figure 2 of Nachom). Applicants respectfully submit that showing a popup screen on top of another

webpage and Applicants' claimed superposing a first image data transmitted from a first communication terminal apparatus utilized by a first user with a second image data of one or more products to generate a third image data according to a respective one from a plurality superposing methods comprising replacing a prescribed area of the first image data with the second image data and blending the first image data and the second image data at a prescribed ratio are two different subject matters. Applicants further submit that Nachom's popup screen contains no image data and itself is not image data in direct contrast with Applicants' claimed a first image data transmitted from a first communication terminal apparatus utilized by a first user with a second image data of one or more products. Therefore, Applicants respectfully submit that Nachom fails to disclose or suggest the above identified features of claim 1.

Furthermore, Applicants submit that Nachom and Logan, taken either alone or in combination, fail to disclose or suggest the above identified features of claim 1.

Second, the Office Action (see page 5 of the Final Office Action dated March 8, 2007)) relies on column 5, line 10 to column 6, line 44 of Nachom to reject transmitting the third image data to said a second communication terminal apparatus utilized by a second user, as recited in claim 1(emphasis added). Applicants submit that Nachom transmits the popup screen separately from the transmitting of the other webpage in direct contrast with Applicants' claimed transmitting the third image data to said a second communication terminal apparatus utilized by a second user. Therefore, Applicants respectfully submit that Nachom fails to disclose or suggest the above identified features of claim 1. Applicants submit that Nachom and Logan, taken either alone or in combination, fail to disclose or suggest the above identified features of claim 1.

Therefore, for at least the above discussed reasons, claim 1 is patentable.

Since claim 14 is similar, or somewhat similar, in scope to claim 1, claim 14 is patentable for similar, or somewhat similar, reasons.

IV. DEPENDENT CLAIMS

Since the other claims are each dependent from one of the independent claims discussed above, they are also patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

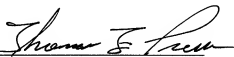
CONCLUSION

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Thomas F. Presson
Reg. No. 41,442
(212) 588-0800